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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,169	05/22/2007	Michael Luke Tunmer	051037	1924
23696	7590	05/11/2010		
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				EXAMINER
				BYRD JR., JOHN B
ART UNIT		PAPER NUMBER		
		2617		
NOTIFICATION DATE		DELIVERY MODE		
05/11/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
kascanla@qualcomm.com  
nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/598,169	TUNMER ET AL.	
	<b>Examiner</b> JOHN B. BYRD JR.	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 26 January 2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/GS-6)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 - 27 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hashimoto et al* (2003/0027592 A1) (hereinafter *Hashimoto*).

Regarding **claim 1**, *Hashimoto* discloses a method of receiving content data for a user interface of a device (=see par.[0035]), the method comprising:

receiving, by a device, content data for a user interface from a communications interface (=see par.[0036]);

processing the received content data to form a user interface for the device (=see par.[0064], wherein "...a user interface structure is expressed"),

wherein the content data comprises metadata (=see par.[0075]); and

accessing content data updates via the communications interface in accordance with the content data metadata (=see par.[0075] and par.[0076]).

Regarding **claim 8**, *Hashimoto* discloses a data carrier, comprising: computer-executable code for performing:

receiving content data, wherein the content data comprises metadata (=see par.[0075]);

processing the received content data to form a user interface for a device (=see par.[0064], wherein "...a user interface structure is expressed"); and

accessing content data updates in accordance with the content data metadata (=see par.[0075] and par.[0076]).

Regarding **claims 9 and 21**, *Hashimoto* discloses a device, comprising:

a user interface (=see par.[0035]);

a display means for displaying the user interface (=see par.[0035]);

a communications interface for receiving content data for use in the user interface (=see par.[0035] and par.[0036]); and

a processor to process received content data to form the user interface (=see par.[0035] and par.[0036]); and

wherein the content data comprises metadata and the device is configured to access content data updates via the communications interface in accordance with the content data metadata (=see par.[0075] and par.[0076]).

Regarding **claim 10**, *Hashimoto* discloses a device according to claim 9, wherein the device is configured to access content data updates at an address comprised within the metadata (=see par.[0142]).

Regarding **claims 2, 15, and 22**, *Hashimoto* discloses a method according to claim 1, wherein the metadata comprises an address for content data updates and the device accesses the content data updates located at the address (=see par.[0142]).

Regarding **claims 3, 16, and 23**, *Hashimoto* discloses a method according to claim 1, wherein the metadata comprises a first address and the device queries the first address to obtain a second address, the device accessing the content data updates located at the second address (=see par.[0142], wherein “The users depress a link button within each page to change statuses …” is understood to read on second address).

Regarding **claims 4, 17, and 24**, *Hashimoto* discloses a method according to claim 3, wherein the first address locates a database, the database comprising addresses for a plurality of content data updates (=see par.[0099], and Fig.5; wherein it is understood that a plurality of addresses are used to access a plurality of content data updates store therein).

Regarding **claims 5, 18, and 25**, *Hashimoto* discloses a method according to claim, e.g. claim 1, wherein the metadata comprises data which determines the frequency at which the device accesses content data updates (=see par.[0101]-par.[0110], wherein the “event drive type program-related information that utilizes program metadata” reads on the determined frequency).

Regarding **claims 6, 19 and 26**, *Hashimoto* discloses a method according to claim 1, wherein the metadata comprises data which defines events that cause the device to access content data updates (=see par.[0101]-par.[0110], wherein the “event

drive type program-related information that utilizes program metadata" reads on the determined frequency).

Regarding **claims 7, 20, and 27**, *Hashimoto* discloses a method according to claim 1, wherein the content data updates accessed by the device are received via the communications interface, processed by the device and used to update the device user interface (=see par.[0112], wherein the "contents database" and "Web" reads on the communications interface).

Regarding **claim 11**, *Hashimoto* discloses a device according to claim 9, wherein the device is configured to query an address comprised within the metadata, wherein the result of the query is a second address that identifies a content data update (=see par.[0142], wherein "The users depress a link button within each page to change statuses ..." is understood to read on second address).

Regarding **claim 12**, *Hashimoto* discloses a device according to claim 9, wherein the metadata comprises data which configures the device to access content data updates at a predetermined frequency (=see par.[0101]-par.[0110], wherein the "event drive type program-related information that utilizes program metadata" reads on the determined frequency).

Regarding **claim 13**, *Hashimoto* discloses a device according to claim 9, wherein the metadata comprises data which configures the device to access content data updates in response to pre-defined events (=see par.[0101]-par.[0110], wherein the "event drive type program-related information that utilizes program metadata" reads on the determined frequency).

Regarding **claim 14**, *Hashimoto* discloses a device according to claim 9, wherein the device is further configured to receive content data updates via the communications interface, process the received content data updates and update the device user interface accordingly (=see par.[0101]-par.[0110], wherein the "event drive type program-related information that utilizes program metadata" reads on the determined frequency).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN B. BYRD JR. whose telephone number is (571)270-7463. The Examiner can normally be reached on M-F, 7:30am - 5:00pm, EST.

The supervisor, Charles Appiah, can be reached on 571-272-7904, if you are unable to resolve the matter with the assigned Examiner. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN B BYRD JR./  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617

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